

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEONARDO NUNEZ,

Plaintiff,

vs.

THOMAS P. STRIGENZ,

Defendant.

8:25CV8

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41. Filing No. 9. Because Plaintiff indicated in his motion that he wished to dismiss this case to avoid the monthly filing fee payments, the Court informed Plaintiff that he would remain obligated to pay the filing fee so long as he remained a prisoner and directed Plaintiff to expressly inform the Court in writing by March 10, 2025, whether he wishes to continue to pursue this case. Plaintiff was further advised that if Plaintiff failed to respond, the Court would grant his motion to dismiss and dismiss this action without prejudice and without further notice.

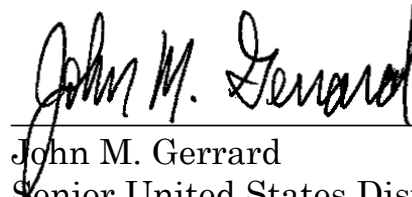
To date, Plaintiff has not filed any response to the Court's previous order. Accordingly, the Court will grant Plaintiff's motion to dismiss as Plaintiff requests dismissal and no defendant has been served. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment") and 41(a)(2) (an action may be dismissed at the plaintiff's request "on terms that the court considers proper").

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for dismissal of this action, Filing No. 9, is granted. Accordingly, this matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.
3. Plaintiff's pending motion for the appointment of counsel, Filing No. 3, is denied as moot.

Dated this 26th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
Senior United States District Judge